

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:08cv50**

LINCOLN-GASTON FARMERS)
MUTUAL INSURANCE COMPANY,)
Plaintiff,)
)
v.)
)
GENERAL ELECTRIC COMPANY,)
EMERSON ELECTRIC COMPANY,)
and THERMO-O-DISC, INC.,)
Defendants.)
_____)

ORDER

THIS MATTER is before the court on Defendant Emerson Electric Co.'s and Defendant Therm-O-Disc, Inc.'s Motion for Sanctions (Document #37), filed March 12, 2009. In their motions, Defendants argue that sanctions are appropriate pursuant to FED. R. CIV. P. 11 due to Plaintiff's failure to properly investigate its claims before initiating litigation, and the Defendants seek an award of attorneys fees and costs.

Pursuant to 28 U.S.C. § 636(b), United States Magistrate Judge Dennis Howell was designated to consider and recommend disposition in the aforesaid motion. In a thorough and well-considered Memorandum & Recommendation, filed May 21, 2009, Judge Howell recommended that Defendants' Motion for Sanctions be denied. Judge Howell based his decision, in part, on the fact that Plaintiff had availed itself of Rule 11's safe harbor provision by attempting to dismiss its case after service of Defendants' Motion for Sanctions on February 19, 2009. See (Document #34.) The Memorandum & Recommendation also advised the parties that any objections to the proposed findings of fact and conclusions of law were to be filed in writing within ten days of service of the

same. The time for filing objections has now passed, 28 U.S.C. § 636(b)(1)(C), and no objections have been filed by either party.

After a careful review of the Magistrate Judge's Memorandum & Recommendation, the Court finds that his findings of fact are supported by the record and that his conclusions of law are consistent with and well supported by the current case law. See Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (holding that, absent specific objections, only a careful review is required in considering a memorandum and recommendation). Accordingly, the court hereby accepts the Memorandum & Recommendation of the Magistrate Judge and adopts it as the final decision of this court for all purposes related to this case.

WHEREFORE, for the foregoing reasons, it is hereby **ORDERED** that Defendants' Motion for Sanctions is **DENIED**.

Signed: June 15, 2009

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

